

March 29, 1945

Juvenile
LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Mr. Leroy Kitts
Placement Director
Arizona State Industrial School
Fort Grant, Arizona

Dear Sir:

In answering your letter of March 21, 1945, wherein you particularly set forth the following inquiry as to the amendments of Section 46-133 and 46-136 of Arizona Code of 1939 as amended by the 17th Legislature which said inquiry is as follows:

"Can we prevail upon your good offices to assist us in connection with part C of section one amending section 46-133 requiring that 'every juvenile offender shall be given a medical examination prior to commitment by the court'. The following was included in the original proposal and we are much concerned because of it's removal: 'The board of directors of state institutions for juveniles may refuse admission to the state industrial school or to any other school or institution for girl juvenile offenders to any juvenile found to have a communicable disease'."

we would submit the following opinion.

We note your submission of the exclusion by the Legislature of a portion of the proposed amendment which would have given a board of directors direct authority to refuse admission to the State Industrial School or other schools of any juvenile having a communicable disease and we are unable to find out that such has been excluded and if its effect be of detriment to the Board, there is little can be done in regard thereto for the law, as passed, will have to be accepted. Therefore, it appears we would have to believe that the intent of the law, by reason of its provision for medical examination before commitment by court would be that the court in its wisdom would advise itself of the physical condition of the child and not commit such child if found to be afflicted with a communicable disease. Notwithstanding our personal opinions it would have to follow, legally, that when the court has ordered the commitment of a juvenile offender, then it will be a

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requirement upon your Board to accept such commitment
and such is our considered opinion.

Respectfully submitted,

JOHN L. SULLIVAN
Attorney General

J. HUBERT SMITH
Assistant Attorney General

JHS:jw

M-7
March 22, 1948

LAW LIBRARY
ARIZONA ATTORNEY GENERAL

Mr. Leroy Kitts
Placement Director
Arizona State Industrial School
Fort Grant, Arizona

Dear Sir:

In answering your letter of March 21, 1948, wherein you particularly set forth the following inquiry as to the amendments of Section 48-133 and 48-136 of Arizona Code of 1929 as amended by the 17th Legislature which said inquiry is as follows:

"Can we prevail upon your good offices to assist us in connection with Section 48-133 of section one amending section 48-133 regarding that 'every juvenile offender shall be given a medical examination prior to commitment by the court'. The following was included in the original proposal and we are much concerned because of its removal: 'The board of directors of state institutions for juveniles may refuse admission to the state industrial school or to any other school or institution for girl juvenile offenders to any juvenile found to have a communicable disease'."

We would submit the following opinion.

We note your submission of the exclusion by the Legislature of a portion of the proposed amendment which would have given a board of directors direct authority to refuse admission to the State Industrial School or other schools of any juvenile having a communicable disease and we are unable to find out that such has been excluded and if its effect be of detriment to the Board, there is little can be done in regard thereto for the law, as passed, will have to be accepted. Therefore, it appears we would have to believe that the intent of the law, by reason of its provision for medical examination before commitment by court would be that the court in its wisdom would advise itself of the physical condition of the child and not commit such child if found to be afflicted with a communicable disease. Notwithstanding our personal opinions it would have to follow, legally, that when the court has ordered the commitment of a juvenile offender, then it will be a

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Respectfully submitted,

JOHN L. SULLIVAN
Attorney General

J. ROBERT SMITH
Assistant Attorney General

JHS:fw

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